UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,865	02/02/2001	Carl G. Hellerqvist	22100-0100 (46126-252687)	7056

7590 05/21/2002

KILPATRICK STOCKTON LLP
SUITE 2800
1100 PEACHTREE STREET
ATLANTA, GA 30309-4530

EXAMINER	
RAWLINGS, STEPHEN L	

ART UNIT	PAPER NUMBER
1642	4

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/776,865	Applicant(s) HELLERQVIST, CARL G.	
	Examiner Stephen L. Rawlings, Ph.D.	Art Unit 1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-58 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Election facsimile cover sheet* .

DETAILED ACTION

1. Claims 1-58 are pending in the application and are currently subject to restriction and election requirement.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group 1. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing cancer in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, and a composition comprising said receptors or fragments, classified in class 424, subclass 277.1.

Group 2. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing scarring during wound healing in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, and a composition comprising said receptors or fragments, classified in class 424, subclass 185.1.

Group 3. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing gliosis during repair of nerve injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, and a composition comprising said receptors or fragments, classified in class 424, subclass 185.1.

Group 4. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing chronic wounds in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or

fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 5. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing keloids in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 6. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing reperfusion injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 7. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing rheumatoid arthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 8. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing arteriosclerosis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 9. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing osteoarthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 10. Claims 1, 3-16, 29-48, 55, and 56, insofar as the claims are drawn to a method for preventing psoriasis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 11. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating cancer in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 277.1.

Group 12. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating scarring during wound healing in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 13. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating gliosis during repair of nerve injury in a mammal, wherein said method comprises administering to said mammal one or more GBS

toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 14. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating chronic wounds in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 15. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating keloids in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 16. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating reperfusion injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 17. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating rheumatoid arthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 18. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating arterioscleorisis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 19. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating osteoarthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 20. Claims 2-22, 28-48, 55, and 56, insofar as the claims are drawn to a method for attenuating psoriasis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof, a composition comprising said receptors or fragments, and a method for producing said composition, classified in class 424, subclass 185.1.

Group 21. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating cancer in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 277.1 and class 424, subclass 174.1.

Group 22. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating scarring during wound healing in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 23. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating gliosis during repair of nerve injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 24. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating chronic wounds in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 25. Claims 2-23, 29-53, 55, and 56 6, insofar as the claims are drawn to a method for attenuating keloids in a mammal, wherein said method comprises

administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 26. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating reperfusion injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 27. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating rheumatoid arthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 26. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating arteriosclerosis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin

receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 27. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating osteoarthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 28. Claims 2-23, 29-53, 55, and 56, insofar as the claims are drawn to a method for attenuating psoriasis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor, a composition comprising said receptors or fragments and further comprising said antibodies, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 172.1.

Group 29. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating cancer in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 277.1 and class 424, subclass 93.71.

Group 30. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating cancer in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 31. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating scarring during wound healing in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 32. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating gliosis during repair of nerve injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 33. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating chronic wounds in a mammal, wherein said method

comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 34. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating keloids in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 35. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating reperfusion injury in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 36. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating rheumatoid arthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition

comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 37. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating arteriosclerosis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 38. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating osteoarthritis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 39. Claims 2-22, 28-48, 54, 55, and 56, insofar as the claims are drawn to a method for attenuating psoriasis in a mammal, wherein said method comprises administering to said mammal one or more GBS toxin receptors or immunogenic fragments thereof and wherein said method further comprises administering to said mammal *ex vivo* cultured T cells, a composition comprising said receptors or fragments and further comprising said T cells, and a method for producing said composition, classified in class 424, subclass 185.1 and class 424, subclass 93.71.

Group 40. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing cancer in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 174.1.

Group 41. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing scarring during wound healing in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 42. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing gliosis during repair of nerve injury in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 43. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing chronic wounds in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 44. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing keloids in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 45. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing reperfusion injury in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 46. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing rheumatoid arthritis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 47. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing arteriosclerosis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 48. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing osteoarthritis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 49. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for preventing psoriasis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 50. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating cancer in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 174.1.

Group 51. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating scarring during wound healing in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 52. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating gliosis during repair of nerve injury in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 53. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating chronic wounds in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 54. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating keloids in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 55. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating reperfusion injury in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 56. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating rheumatoid arthritis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 57. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating arteriosclerosis in a mammal, wherein said method 57 administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 58. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating osteoarthritis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 59. Claims 24-27 and 50-53, insofar as the claims are drawn to a method for attenuating psoriasis in a mammal, wherein said method comprises administering to said mammal one or more antibodies that bind to a GBS toxin receptor and a composition comprising antibodies, classified in class 424, subclass 172.1.

Group 60. Claims 57 and 58, drawn to a method for eliciting an immune response in an animal, wherein said method comprises administering to said animal one or more GBS toxin receptors or immunogenic fragments thereof, wherein one of said immunogenic fragments is a polypeptide comprising amino acid residues 14-19 of the amino acid sequence set forth in SEQ ID NO: 4, classified in class 424, subclass 184.1.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions in groups 1-60 are disclosed as different methods that differ at least in objectives, method steps, reagents and/or doses and/or schedules used, response variables, assays for end products and/or results, and criteria for success and therefore, the claimed methods are distinct.

4. Because these inventions are distinct for the reasons given above and also because the search required for any one group is not required for any other group and/or the inventions have acquired a separate status in the art as shown by their different classification or their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Applicant is further subject to a requirement to elect a species of the generic invention.

Claims 1, 2, 29, and 55 are generic to a plurality of disclosed patentably distinct species of inventions, wherein a particular composition comprising one or more GBS toxin receptors or immunogenic fragments thereof is administered to the mammal. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed, by specifically identifying the components of the composition that is to be administered to the mammal. For example, Applicant might elect the species of invention wherein a composition comprising one GBS toxin receptor having substantial identity to SEQ ID NO: 2 and one GBS toxin receptor having an

amino acid sequence identical to SEQ ID NO: 4 is administered to the mammal. As an alternative, again for example, Applicant might elect the species of invention wherein a composition comprising one immunogenic fragment of a GBS toxin receptor is administered to the mammal, wherein said fragment is substantially identical to Hab1.

Claims 1 and 2 are generic to a plurality of disclosed patentably distinct species of inventions, wherein a particular composition comprising one or more GBS toxin receptors or immunogenic fragments thereof is administered to the mammal via a method selected from the group consisting of (a) oral ingestion, (b) nasal inhalation, (c) subcutaneous injection, (d) intravenous injection, (e) intramuscular injection, (f) intraperitoneal injection, and (g) rectal application. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, i.e., one of (a)-(g), even though this requirement is traversed.

Claim 2 is generic to a plurality of disclosed patentably distinct species of inventions, wherein a particular composition comprising one or more GBS toxin receptors or immunogenic fragments thereof is administered to (a) a mammal that does not have the pathoangiogenic condition at the time of the administering step or (b) a mammal that has a pathoangiogenic condition at the time of the administering step. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, i.e., (a) or (b), even though this requirement is traversed.

Claim 19 is generic to a plurality of disclosed patentably distinct species of inventions, wherein the amount of GBS toxin sufficient to induce a response is (a) at least about 5 μg/kg, (b) at least about 15 μg/kg, or (c) at least about 20 μg/kg. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, i.e., one of (a)-(c), even though this requirement is traversed.

Claim 29 is generic to a plurality of disclosed patentably distinct species of inventions, wherein the composition comprises one or more GBS toxin receptors or immunogenic fragments thereof. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed, by specifically identifying the components of the composition. Note: Applicant is required to make consistent elections; in other words, the elected composition of claim 29 should be the

same as the composition to be administered to the mammal in the elected method of claims 1 or 2.

Claim 33 is generic to a plurality of disclosed patentably distinct species of inventions, wherein the adjuvant is selected from the group consisting of (a) a water in oil composition, (b) Freund's adjuvant, (c) QS21, (d) IL-12, and (e) interferon-γ. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, i.e., one of (a)-(e), even though this requirement is traversed.

Claim 35 is generic to a plurality of disclosed patentably distinct species of inventions, wherein the protein carrier is selected from the group consisting of (a) keyhole limpet hemocyanin (b) bovine serum albumin, (c) ovalbumin, (d) human serum albumin, (e) human γ-globulin, (f) chicken immunoglobulin G, (g) bovine γ-globulin, and (h) tetanus toxoid. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, i.e., one of (a)-(h), even though this requirement is traversed.

Claim 55 is generic to a plurality of disclosed patentably distinct species of inventions wherein the composition to be produced comprises one or more GBS toxin receptors or immunogenic fragments thereof. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed, by specifically identifying the components of the composition to be produced. Note: Applicant is required to make consistent elections; in other words, the elected composition to be produced according to claim 55 should be the same as the composition to be administered to the mammal in the elected method of claims 1 or 2.

Claim 57 is generic to a plurality of disclosed patentably distinct species of inventions, wherein a particular composition comprising one or more GBS toxin receptors or immunogenic fragments thereof is administered to the mammal. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed, by specifically identifying the components of the composition that is to be administered to the mammal.

6. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (703) 305-3008. The examiner can normally be reached on Monday-Thursday, alternate Fridays, 8:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony C. Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642

slr
May 17, 2002

ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE:

FROM/ATTORNEY:

FIRM:

PAGES, INCLUDING COVERSHEET:

PHONE NUMBER:

TO EXAMINER:

ART UNIT:

SERIAL NUMBER:

FAX/TELECOPIER NUMBER: (703) 308-4315

PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY FOR RESPONSES TO RESTRICTIONS.

COMMENTS: _____

_____

_____

_____

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.